



1647
PATENT
Customer No. 22,852
Attorney Docket No. 2356.0073-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)

Sebastian SUERBAUM et al.)

) Group Art Unit: 1647

Application No.: 09/015,078)

) Examiner: Sharon L. TURNER

Filed: January 29, 1998)

For: CLONING AND CHARACTERIZATION)
OF THE Fiba GENE OF *H. PYLORI*,)
PRODUCTION OF AFFLAGELLATE)
STRAINS)

Commissioner for Patents
Washington, DC 20231

Sir:

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FEB 03 2003
TECH CENTER 1600/2900

TRANSMITTAL LETTER

Enclosed is a reply to the Office Action of October 30, 2002. The items checked below are appropriate:

- ☐ Applicant(s) hereby petition(s) for a _____ month(s) extension of time to respond to the above Office Action. The fee of \$_____ for the Extension is enclosed.

The claims are calculated below:

	Claims Remaining After Amendment		Highest Number Previously Paid	Present Extra	Rate	Additional Fee
Total	22	-	32	0	x \$ 18	\$ 0.00
Indep.	2	-	4	0	x \$ 84	0.00
<input type="checkbox"/> First Presentation of Multiple Dep. Claim(s)					+\$280	0.00
Subtotal						\$ 0.00
Reduction by 1/2 if small entity						- 0.00
TOTAL						\$ 0.00


- ☐ A fee of \$_____ to cover the cost of the additional claims added by this reply is enclosed.
- ☐ A fee of \$_____ to cover _____ is enclosed.
- ☐ A check for \$_____ to cover the above fee is enclosed.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

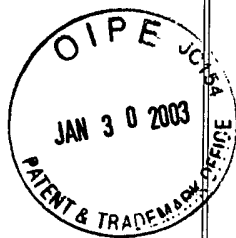
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Dated: January 30, 2003

By: 
Kenneth J. Meyers
Reg. No. 25,146

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com



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AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT

Applicants now reply to the restriction requirement dated October 30, 2002

(Paper No. 23).

Please amend this application as follows:

IN THE CLAIMS:

Please cancel claims 31-36, 43-56, 59, and 61-65, without prejudice to, or disclaimer of, the subject matter recited therein.

Please add new claims 66-87 as follows:

66. (New) An *H. pylori* bacterial strain, or an extract of an *H. pylori* bacterial strain, wherein the *H. pylori* bacterial strain has an aflagellate phenotype resulting from a mutation in the *flbA* gene of the *H. pylori* bacterial strain.